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LEFFERT JAY & POLGLAZE, P.A. P.O. BOX 581009 MINNEAPOLIS, MN 55458-1009				
EXAMINER				
DRODGE, JOSEPH W				
ART UNIT		PAPER NUMBER		
1797				
NOTIFICATION DATE		DELIVERY MODE		
02/01/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ljp-iplaw.com

Office Action Summary

Application No.

10/582,153

Applicant(s)

YUNGNER ET AL.

Examiner

Joseph W. Drodge

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-39 and 41 is/are pending in the application.
- 4a) Of the above claim(s) 35-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-39 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Applicant's election without traverse of Group I, claims 1 and 3-34 in the reply filed on 12/17/2009 is acknowledged.

Applicant's election of claims 1,3-6 and 8-34 in the reply filed on 12/17/2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1,3-6,8-34 and 41 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 1, it is unclear if "pallet configured as a trailer" recites pallet, trailer or both, whether "trailer having an enclosure" reads on trailer structure or requires additional enclosure component, while "the deflated and stowed tent structure" lacks antecedent basis. At claim 3, are the "modules" the same modules as in claim 1. At claim 6, "the control bus" lacks antecedent basis as it depends from claim 4 reciting "power bus". Claim 9 depends from claim 2 which was canceled, apparently dependency should be from claim 3. In claim 14, what is controlled? It is unclear if the "water filtrate module" of claim 16 or "water filtration module" of claim 19 or 24, respectively are distinct from the "water filtration module" of claim 1. Similarly is the "air filtration module" of claim 26 distinct from the "air module" of claim 1. It is unclear what 'conduit' claim 20 is referring to. In claim 21, "the control bus(es)" lacks antecedent basis, since this component was canceled from claim 1. Coupling of power generation module to power bus lacks antecedent basis for claim 22. In claim 30, it is unclear if 'conduit', "pre-filter", "softener" and RO filter of claim 30 are part of the "water filtration

module”. Similar questions are raised for the components of claim. Claim 41 contains terms lacking antecedent basis and is thus incomplete “the pallet” , “the power bus”.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1,3-6,8-34 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staschik PGPUBS Document US 2002/0189173 in view of one or both of Eldredge et al patent 5,399,260 and/or Rozelle et al patent 5,997,750 and in view of one or more of Gettman PGPUBS

Document US 2004/0262206, Kozlowski patent 5,747,734, Underwood et al PGPUBS

Document US 2003/0220717, and/or Lueck patent 6,609,070 and finally in view of one or both of Sutton patent 5,706,846 and/or Brown patent 6,390,110. Staschik discloses a trailer while suggesting an deployable infrastructure system (para 1) that can be moved by forklift, hence suggesting pallet (para 39 and 148), with at least one box enclosure for providing protection for a plurality of infrastructure stand-alone 'stations' or modules located thereon including at least power generation station 249/250, water filtration and purification station/module 230 and air purification station/module 350 and communication or computer module (para 69,77,96,129,131 and 146).

The claims firstly differ in requiring the trailer having a pallet/skid mounted thereon on which the infrastructure is mounted. However, each of Eldredge (col 1, ln 37-68. col 3, ln 53-60) and Rozelle (col 14, ln 25-38) teach deployable trailer-contained water treatment stations, having modular water treatment units which are mounted on pallets. It would have been correspondingly obvious to have mounted the system of Staschik on one or more pallets as suggested by Eldredge and/or Rozelle, to facilitate quick set-up or movement of the system at the deployment location.

The claims then require powered components of a plurality of the modules being coupled to modular power couplings comprised in a power bus. Gettman suggests such power bus conduit and couplings at (para 58). Each of Underwood (para 39), Kozlowski (col 5, ln 46-57) and Lueck (col 19, ln 40-55 and col 21, ln 13-27) explicitly teach power buses coupling to transportable water treatment and control/communication module units. It would have been also obvious to have utilized the power bus and couplings of one or more of Gettman, Kozlowski,

Underwood and Lueck, with the Staschik system, to facilitate automated, precise, control of unit operations and attendant sensors and flow-control actuators.

The claims finally also require the trailer to be adapted for storing a tent structure in deflated and stowed condition on a carrier, so that it may be erected adjacent to the trailer and connected thereto by an air duct. Sutton teaches a deployment system having such tent structure 144/146 and stowable/deployment configuration at col 8, ln 1-17 including air duct/communication channel 148 and carrier/stowing structure 'framework consisting of spaced inverted U-shaped members...operation use and collapse to a stowed configuration'. Brown teaches a tent structure (see esp col 6, ln 15-23) that can be deployed from storage on a skid in a trailer and has air communication ducts and associated water supply, toiletry, generator, air purification and heating units. It would have been also apparent to the skilled person to have incorporated the deployable tent structure subsystem of Sutton and/or Brown into the Staschik system, in order to provide complete life support for a substantial number of persons needing housing and shelter in addition to purified water, purified air and electricity, and enable processing of persons needing services of purified air and water.

For claims 3-6, details of control buses and cooperating switches are best taught at Lueck (col 18, ln 20-40). For claims 8-14 and 21-23 Gettman teaches components of communications and/or modules and handling of control signals, as well as various forms of two-way and remote control communication (para 54-57). For claims 15, see generator and battery of Staschik at para 94-99. For claims 16-20,24-25, and 30-34, see details of water filtration module of Staschik (para 40-46) and of Gettman (para 59). For claims 26-29, air purification module of Staschik details are taught at para 129,130.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Capehart patent 5,747,584 teaches further configurations of components for a deployable, trailer-mounted water treatment system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Drodge at his direct government telephone number of 571-272-1140. The examiner can normally be reached on Monday-Friday from approximately 8:30 AM to 12:30 PM and 2:00 PM to 6:00 PM.

Alternatively, to contact the examiner, send a communication via E-mail communication to the Examiner's Patent Office E-mail address: "Joseph.Drodge@uspto.gov". Such E-mail communication should be in accordance with provisions of MPEP (Manual of Patent Examination Procedures) section 502.03 & related MPEP sections. E-mail communication must begin with a statement authorizing the E-mail communication and acknowledging that such communication is not secure and will be made of record, under Patent Internet Usage Policy Article 5. A suggested format for such authorization is as follows: "Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file.

Additionally, the examiner's supervisor, Duane Smith, of Technology Center Unit 1797, can be reached at 571-272-1166.

The formal facsimile phone number, for official, formal communications, for the examining group where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR, and through Private PAIR only for unpublished applications. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD
1/25/2010
/Joseph W. Drodge/
Primary Examiner, Art Unit 1797